

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D.C. 20240

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EMS TRANSMISSION 08/04/2003  
Instruction Memorandum 2003-233  
Expires: 09/30/2004

To: State Directors

From: Director

Subject: Integration of the Energy Policy and Conservation Act (EPCA)  
Inventory Results into the Land Use Planning Process DD:12/31/2003-  
6/30/2004

**Program Area:** Land Use Planning, Oil and Gas Operations

**Purpose:** The purpose for issuing this memorandum is threefold: (1) to restate my commitment to providing responsible and balanced access to the public lands for energy exploration and development; (2) to reinforce our obligation to monitor and adaptively manage public lands and resources; and (3) to outline a strategy for integrating the EPCA inventory results into land use plans.

This IM establishes direction, consistent with the Federal Land Policy and Management Act (FLPMA), to enhance our ability to protect the environment and other resources, as well as facilitate energy development where appropriate.

It is important that our employees know about the EPCA integration effort and its applicability to land use planning. State Offices should take whatever time is necessary to train or brief the field on our objectives. Likewise, we want our partners, stakeholders, Tribes, and the public at large, to identify with this effort. We also want to provide them an opportunity to understand our policy and comment during the process.

This IM was prepared in accordance with Executive Order (EO) 13212 which states that "...agencies shall expedite their review of permits or take other actions necessary to accelerate the completion of [energy-related projects] while maintaining safety, public health and environmental protections. The agencies shall take such actions to the extent permitted by law and regulation and where appropriate."

**Background:** The Energy Policy and Conservation Act (EPCA) Reauthorization of 2000 directed the Department of the Interior to produce a scientific inventory of oil and gas resources and reserves underlying federal lands. It also directed the Department of the Interior to identify the extent and nature of any restrictions to their development. The EPCA studies of five oil and

gas basins (Montana Thrust Belt, Powder River, Green River, San Juan/Paradox, and Uinta/Piceance) were completed and presented to Congress in January, 2003. Eventually the studies for other basins in the United States will be completed. Instruction Memorandum No. 2003-137, Integration of the EPCA Inventory Results into Land Use Planning and Energy Use Authorizations, dated April 3, 2003, set forth my principles for integration. It also established a Land Use Planning Team to develop an IM to guide the Bureau in integrating EPCA into land use plans (especially plans designated as time-sensitive). The Planning Team was directed to ensure policy developed reflects the need for bureau-wide consistency in the application of stipulations attached to oil and gas leases.

**Policy/Action:** The EPCA study reflects new information on oil and gas potential and a compilation of all management practices employed by the BLM over the last 25 years. This information is to be reviewed and considered through the land use planning process. For the purposes of integrating the EPCA findings, I am immediately designating seven EPCA Focus Areas to prioritize integration efforts (see Attachment 1). The Focus Areas will be used to concentrate our efforts and resources to meet the President's National Energy Policy. The President's National Energy Policy directed the EPCA inventory be expedited, and constraints to Federal oil and gas leasing be reassessed and modified "where appropriate opportunities exist (consistent with the law, good environmental practice, and balanced use of other resources)." This goal does not mean all existing resource-related constraints or closures will be eliminated. As a result of this direction, in some areas the need for additional constraints may be identified.

The Focus Areas will be used to:

- Prioritize areas to be reviewed for appropriate levels of stipulations or unnecessary impediments to oil and gas production;
- Identify offsite mitigation opportunities or other management options outside Focus Areas that will mitigate for the development inside the Focus Areas;
- Identify areas of high oil and gas potential versus those of lower potential in order to set priorities and schedule work (e.g., planning, leasing and permitting);
- Provide information for making resource conflict decisions both within and outside of the Focus Areas; and,
- Provide information for land management decisions and planning regarding the placement of infrastructure such as pipelines, powerlines, roadways, and supporting rights-of-way.

This policy applies specifically to the five states and seven basins covered by the initial EPCA Inventory. As future EPCA inventories are completed in other areas, this policy will be applied to those areas, with new timeframes for integration into the affected land use plans. This policy may be modified as we learn from the initial application.

### **How to Incorporate the EPCA Findings Into the Planning Process (Attachment 2)**

States and Field Offices will assess their current planning status following the guidance in Attachment 2 to determine how best to incorporate the EPCA findings into land use plans.

The EPCA Focus Areas have first priority for the review and determination of the need to amend or revise existing land use plans. States and Field Offices with land use plans within these areas are required to complete this task by December 31, 2003. States and Field Offices with land use plans outside the EPCA Focus Areas, but within the remainder of the EPCA Basins, are required to complete this task by June 30, 2004. The review and determination of whether or not to amend

or revise an existing land use plan will be completed and reported to WO 210/310 concurrently with the review of lease stipulations as described below.

States and Field Offices will use these determinations to revise and reprioritize their 10-year planning schedules accordingly.

### **How to Assess the Effectiveness and Continued Need for Existing Resource-Related Constraints and Closures**

The EPCA integration is a good opportunity to evaluate lease mitigation requirements to determine whether they are appropriate and effective. This evaluation will include a review of all current oil and gas lease stipulations in the State and Field Office stipulation books and databases. We need to make sure each of these documents clearly state the intent of the mitigation, and the mitigation is the least restrictive necessary to accomplish the desired protection. Stipulations not necessary to accomplish desired resource protection should be modified or dropped using the exception, waiver, or modification criteria outlined in the land use plan or through the land use planning process. Stipulations that are not accomplishing the desired resource protection should be changed to achieve the desired resource protection, using the exception, waiver, or modification criteria outlined in the land use plan or through the land use planning process. Clarifying changes can be made to the wording of stipulations as long as there is no substantial change to the protection provided by the mitigation.

Any stipulation duplicative of Section 6 of the Standard Lease Terms will be eliminated using the exception, waiver, or modification criteria outlined in the land use plan or through the land use planning process. The BLM authorized officer has the authority to relocate, control timing, and impose other mitigation measures under Section 6, through conditions of approval attached to lease permits, as it relates to lease operations.

In addressing the effectiveness and continued need for resource-related constraints and closures, States and Field Offices will consider the questions and suggestions in Considerations for Assessing the Effectiveness and Continued Need for Existing Resource-Related Constraints and Closures (Attachment 3). In addition to providing a process for reviewing lease stipulations and closures, the attachment has tools, strategies and options to consider in developing other innovative solutions.

### **Uniform Format for Oil and Gas Lease Stipulations**

For all stipulations developed in new land use plans and to further improve consistency and understanding of lease stipulations, State and Field offices will use the Uniform Format for Oil and Gas Lease Stipulations prepared by the Rocky Mountain Regional Coordinating Committee in March 1989. This document provides oil and gas-related definitions, policy and examples of: a) no surface occupancy stipulation; b) timing limitation stipulation; c) controlled surface use stipulation; d) special administrative stipulation; and, e) lease notices. It also provides a copy of the standardized stipulation forms to be used for planning purposes.

Field Offices not currently scheduled for new plan revisions will use the Uniform Format for Oil and Gas Lease Stipulations through plan maintenance activities, provided they are not significantly different from the current stipulation language. The existing stipulation formats in land use plans are to be replaced with the standardized forms so all land use plans display a consistent format.

**Timeframe:** This policy is in effect immediately.

**Budget Impact:** This policy is expected to have additional costs associated with the review of stipulations in existing plans and subsequent amendments or revisions. Additional costs associated with current, ongoing plans should be minimal. Costs for integrating and internal/external workshops to ensure consistent and appropriate integration into planning processes, are covered in a third quarter adjustment from the 2003 EPCA allocation.

**Manual/Handbook Sections Affected:** This policy supplements H-1601-1-Land Use Planning Handbook and H-1624-1-Planning for Fluid Mineral Resources.

**Coordination:** WO-210, WO-220, WO-230, WO-240, WO-310 and WO-380.

**Contact:** For further information, contact Ann Aldrich at 202-452-7722, Scott Florence at 202-452-5151, Erick Kaarlela at 202-557-3375, or John Bebout at 202-557-3377.

Signed by:  
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Authenticated by:  
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4 Attachments

- 1 - EPCALUP (1 p)
- 2 - EPCALUP2a (2 pp)
- 3 - EPCALUP (5 pp)
- 4 - EPCALUP (2 pp)